

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See Form PCT/ISA/210**
(day/month/year) **(sheet 2)**

Applicant's or agent's file reference

2208/Dr. BoD/

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/014709

International filing date (day/month/year)

24.12.2004

Priority date (day/month/year)

29.01.2004

International Patent Classification (IPC) or both national classification and IPC

B05C7/04

Applicant

RÖHM GMBH & CO. KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II

Priority

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims	-	NO
Inventive step (IS)	Claims	4-8, 12-13	YES
	Claims	1-3, 9, 11	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims	-	NO

2. Citations and explanations:

1 Reference is made to the following documents:

D1: EP 0 530 617 A (ROEHM GMBH) 10 March 1993
(1993-03-10)

D2: US 2 100 587 A (CHALKER KENNETH M) 30 November
1937 (1937-11-30)

D3: GB 1 397 542 A (ERNEST-LLOYD LTD) 11 June 1975
(1975-06-11)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

2.1.1 Document D1 is considered to be the prior art closest to the subject matter of claim 1 and discloses a method for the continuous coating of the inside of an extruded hollow profile according to the preamble of claim 1 of the underlying application. See in this respect the passages cited in the search report.

2.1.2 The subject matter of claim 1 therefore differs

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from that which is known from D1 in that excess coating agent is wiped off one or more inner walls by liquid wipers mounted inside the hollow chambers, the hollow profiled extrudate being continuously moved relative to the wipers, the wipers, which comprise at least one magnet or magnetizable material and at least one wiping lip that touches the inner walls and are arranged downstream of the coating agent supply in the zone of the sloped track of the hollow profiled extrudate, being retained in a steady position within the track of the hollow profiled extrudate by counter magnets or magnetizable materials that are fixed next to the outer surface of the continuous hollow profiled extrudate.

2.1.3 The problem addressed by the present invention can therefore be considered that of providing a method which makes uniform coating of the inner region of a hollow extruded profile possible.

2.1.4 The solution proposed in claim 1 of the present application cannot be regarded as inventive (PCT Article 33(3)) for the following reasons:
Document D2 describes an apparatus for coating a tube, comprising a wiping element for excess coating material that is applied. This wiping element partially consists of magnetic material and is kept stationary by an adjacent magnet arranged on the outside of the tube. The tube is moved (column 2, line 40 - column 3, line 42; drawings 1, 6, 7, 8). The circular base of the rubber body with the reference sign 36 in drawing 6 of D2 can be regarded as the wiping lip. Reference is also implicitly made to a wiping lip in the passages in column 4, lines 1-6 and in

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column 4, lines 39-44.

This apparatus can be used to derive a method which has the same purpose of wiping off excess coating material inside a hollow profile.

If a person skilled in the art wished to achieve the same aim in a method as per document D2, he could easily apply these features to like effect to the method of D1. In this way he would arrive at a method as per claim 1 without thereby being inventive.

- 2.1.5 Therefore, a person skilled in the art would combine all the features disclosed in D1 and D2 with one another to solve the problem in question, without thereby being inventive. The solution proposed in independent claim 1 therefore cannot be regarded as inventive (PCT Article 33(3)).

3 DEPENDENT CLAIMS 2, 3, 9, 11

Claims 2, 3, 9, 11 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

4 INDEPENDENT CLAIM 12

- 4.1 Document D3 is considered to be the closest prior art. It discloses (the references between parentheses relate to said document):

a pig which is used in pipelines, having a body comprising magnets and two resilient sealing rings 21 and 22 which maintain the contact with the pipeline (drawings 1 and 4) and can likewise be regarded as wiping lips,

from which the subject matter of the independent

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claim 12 differs in that the liquid wipers additionally have a felt lip and rollers.

4.1.1 The subject matter of claim 12 is therefore novel (PCT Article 33(2)). The problem addressed by the present invention can therefore be considered that of providing a liquid wiper which is easy to handle in a hollow profile with regard to friction.

4.1.2 The solution to this problem that is proposed in claim 12 of the present application involves an inventive step (PCT Article 33(3)), since the solution is neither disclosed nor suggested by the documents cited in the search report.

4.1.3 Claim 13 is dependent on claim 12 and consequently likewise meets the PCT requirements for novelty and inventive step.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D2 or indicate the relevant prior art disclosed therein.